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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,625	10/11/2001	Robert E. Haines	10007584-1	1659

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EXAMINER	
LETT, THOMAS J	

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
05/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/976,625	HAINES ET AL.	
	Examiner	Art Unit	
	Thomas J. Lett	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *43-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *43-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 March 2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 43-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Sampath et al (USPN 6,892,317 B1).

Regarding claim 43, Sampath et al disclose a peripheral device management method performed by a management apparatus (diagnostic server 100, col. 3, line 64, see Fig. 1), the method comprising:

first receiving identification information (inherent, since a diagnostic device must know the identity of the devices it is to monitor) for a plurality of peripheral devices of a common network (network 25, col. 4, lines 6-10);

second receiving threshold information regarding a plurality of thresholds corresponding to operations of respective ones of the peripheral devices (having threshold knowledge, col. 2, lines 9-13);

formulating configuration data (prediction analysis, col. 6, lines 3-7) configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds (based on status and threshold information to determine an impending failure, col. 6, lines 17-21);

communicating the configuration data to the peripheral devices using the identification information (forward command controls back to the monitored system(s), col. 7, lines 1-4);

after the communicating, third receiving statuses corresponding to the thresholds from respective ones of the peripheral devices (the monitoring inherently continues even after a feedback cycle);

processing the statuses (col. 7, lines 36-39); and

initiating an action with respect to the statuses of the peripheral devices responsive to the processing (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 44, Sampath et al disclose a method of claim 43 wherein the method is performed by the management apparatus comprising a server (diagnostic server 100, col. 3, line 64, see Fig. 1) in communication with the common network, and wherein the receivings, the formulating, the communicating, the processing and the initiating individually comprise acts performed by the server (col. 3, line 63 – col. 4, line 10).

Regarding claim 45, Sampath et al disclose a method of claim 43 further comprising outputting a plurality of instructions for communication through a firewall associated with the common network, and wherein the instructions are configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network and to

communicate the identification information corresponding to the peripheral devices responsive to the discovery (the prior art invention of Sampath et al is designed to work in an environment of firewalls, col. 2, lines 28-34).

Regarding claim 46, Sampath et al disclose a method of claim 43 wherein the statuses are indicative of levels of consumables for respective ones of at least some of the peripheral devices, wherein the consumables are consumed during operations of respective ones of the peripheral devices, wherein the statuses indicate triggering of the thresholds for respective ones of the peripheral devices, and wherein the initiating comprises initiating shipment of the consumables.(col. 1, line 65 – col. 2, line 6 wherein at least one of the data received triggers appropriate actions).

Regarding claim 47, Sampath et al disclose a method of claim 46 wherein the processing comprises:

combining the statuses to provide combined status data (it is inherent and mandatory that the failing device combine its identifier with its problem status when reporting a problem status. Such a system would be very ineffective if the monitoring/diagnostic system did not know where the problem in such a networked system originated. Sampath et al monitors a plurality of devices and must receive the identifier and status information from the monitored device in order to rectify the problem device); and

comparing the combined status data with respect to an order threshold, and wherein the initiating the shipment of the consumable comprises initiating responsive to the combined data triggering the order threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 48, Sampath et al disclose a method of claim 47 further comprising defining a plurality of different groups of the peripheral devices, and the combining the statuses

comprises combining the statuses of the peripheral devices of one of the groups (col. 3, lines 6-11).

Regarding claim 49, Sampath et al disclose a method of claim 43 wherein the statuses are indicative of levels of consumables for respective ones of the peripheral devices, wherein the consumables are consumed during operations of respective ones of the peripheral devices, wherein the statuses indicate triggering of the thresholds for respective ones of the peripheral devices, and wherein the initiating comprises initiating outputting of information indicative of the levels of the consumables for communication to an entity (having threshold knowledge, col. 2, lines 9-13).

Regarding claim 50, Sampath et al disclose a method of claim 43 wherein the statuses are individually indicative of triggering of a maintenance threshold indicative of a predetermined amount of operations performed by a respective one of the peripheral devices, and wherein the initiating comprises initiating outputting of a maintenance service request to request maintenance of at least one of the peripheral devices (see at least Table 1, col. 7).

Regarding claim 51, Sampath et al disclose a method of claim 43 wherein the initiating comprises initiating communication of a request for authorization with respect to replenishment of a consumable for at least one of the peripheral devices (col. 6, lines 58-65).

Regarding claim 52, Sampath et al disclose a method of claim 43 wherein the initiating comprises initiating communication of a request for authorization with respect to performing maintenance for at least one of the peripheral devices (see at least Table 1, col. 7).

Regarding claim 53, Sampath et al disclose a peripheral device consumable management method comprising:

first receiving identification information (inherent, since a diagnostic device must know the identity of the devices it is to monitor) regarding a plurality of peripheral devices individually configured to consume a consumable;

defining a plurality of different groups individually comprising different ones of the peripheral devices (col. 3, lines 6-11);

receiving statuses from the peripheral devices indicating replenishment of the. consumable is desired for respective ones of the peripheral devices (col. 1, line 65 – col. 2, line 6 wherein at least one of the data received triggers appropriate actions for monitored devices);

for an individual one of the groups, combining the statuses of the respective peripheral devices of the group providing combined status data (it is inherent and mandatory that the failing device combine its identifier with its problem status when reporting a problem status. Such a system would be very ineffective if the monitoring/diagnostic system did not know where the problem in such a networked system originated. Sampath et al monitors a plurality of devices and must receive the identifier and status information from the monitored device in order to rectify the problem device);

comparing the combined status data with respect to a threshold; and initiating an action with respect to replenishment of the consumable for the peripheral devices of the group responsive to the comparing indicating the combined status data triggering the threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 54, Sampath et al disclose a peripheral device consumable management apparatus (diagnostic server 100, col. 3, line 64, see Fig. 1) comprising:

a communications interface (I/O interface 130, Fig. 1) configured to output a communication configured to initiate discovery of a plurality of peripheral devices of a common network, to receive identification information of the discovered peripheral devices responsive to

the outputting of the communication, and to receive status information regarding a status of a consumable for at least one of the peripheral devices; and

processing circuitry (controller 120, col. 5, lines 51-58) coupled with the communications interface and configured to access the identification information and the status information, to process the status information, and to initiate an action with respect to replenishment of the consumable for the at least one of the peripheral devices responsive to the processing of the status information.

Regarding claim 55, Sampath et al disclose an apparatus of claim 54 wherein the communications interface is configured to receive information defining a plurality of thresholds corresponding to levels at which replenishment of the consumable is desired for respective ones of the peripheral devices, and to control the communications interface to output configuration data configured to configure respective ones of the peripheral devices according to respective ones of the thresholds (col. 5, lines 55-57).

Regarding claim 56, Sampath et al disclose an apparatus of claim. 54 wherein the communications interface and the processing circuitry are components of the management apparatus comprising a web server (col. 3, lines 1-5).

Regarding claim 57, Sampath et al disclose an apparatus of claim 54 wherein the outputted communication is configured for communication through a firewall associated with the common network, and wherein the outputted communication comprises a plurality of instructions configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network and to communicate the identification information using the discovered presences of the peripheral devices (the prior art invention of Sampath et al is designed to work in an environment of firewalls, col. 2, lines 28-34).

Regarding claim 58, Sampath et al disclose an apparatus of claim 54 wherein the processing circuitry is configured to initiate the action comprising initiating communication of an order for the consumable (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 59, Sampath et al disclose an apparatus of claim 58 wherein the processing circuitry is configured to initiate the action responsive to the processing of the status information indicating the status of the consumable for the at least one of the peripheral devices triggering a threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 60, Sampath et al disclose an apparatus of claim 54 wherein the processing circuitry is configured to initiate the action comprising initiating shipment of the consumable (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 61, Sampath et al disclose an apparatus of claim 54 wherein the status information indicates statuses of the consumable for a plurality of the peripheral devices are below respective thresholds for the consumable for respective ones of the peripheral devices, and wherein the processing circuitry is configured to process the status information comprising combining the statuses providing combined status data, and comparing the combined status data to an order threshold, and wherein the processing circuitry is configured to initiate the action responsive to the comparing of the combined status data triggering the order threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 62, Sampath et al disclose a apparatus of claim 61 wherein the processing circuitry is configured to define a plurality of different groups of the peripheral devices, and wherein the processing circuitry is configured to combine the statuses of the peripheral devices of one of the groups to provide the combined status data (it is inherent and mandatory that the failing device combine its identifier with its problem status when reporting a problem status. Such a system would be very ineffective if the monitoring/diagnostic system did

not know where the problem in such a networked system originated. Sampath et al monitors a plurality of devices and must receive the identifier and status information from the monitored device in order to rectify the problem device).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 8-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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